

REMARKS

Claim 32 has been amended by incorporating subject matter from claims 35-38 and 40 into it.

Claim 35 has been canceled.

Many of the remaining claims have been amended, primarily in a non-limiting manner, to comport with the amendment to claim 32 and cancellation of claim 35.

Claims 32-34 and 36-62 are currently pending..

The Office Action rejected claims 32-38 and 45-58 under 35 U.S.C. § 103 as obvious over U.S. patent 5,985,298 (“Brieva”). In view of the following comments, Applicants respectfully request reconsideration and withdrawal of this rejection.

The invention compositions are high solids content compositions having a specified adhesion profile. Preferably, the invention compositions are mascaras. These compositions have good application characteristics (are easy to apply), good adhesion characteristics and good volumizing properties despite the fact that they possess high solids content. As explained in the present application (see, page 1, line 27 through page 3, line 7), such high solids content compositions having acceptable properties have been elusive in the past. The present invention addresses this nagging problem, allowing the production of high solids content compositions having beneficial cosmetic properties.

More specifically, the invention compositions possess specific structuring agents having required tack and hardness properties. These structuring agents allow high solids content compositions having beneficial cosmetic properties to be obtained. Brieva neither teaches nor suggests such compositions, nor would Brieva lead one skilled in the art to such compositions.

Brieva relates to transfer-resistant compositions containing MQ silicone resins. That is, Brieva teaches one skilled in the art to add MQ resins to compositions to prepare transfer-

resistant compositions. Nowhere does Brieva recognize the problems associated with high solids content compositions, let alone suggest a possible answer to such problems. In other words, Brieva neither teaches nor suggests to one skilled in the art how to produce an acceptable high solids content composition.

The Office Action focuses on Brieva's example 2, asserting that it would have been obvious to substitute synthetic beeswax for "synthetic" wax or beeswax in example 2 to arrive at the claimed compositions. This assertion misses the point. Beeswax has a tack of 0.52 N.s which does not satisfy the claimed tack requirements. Nothing would have motivated one skilled in the art to substitute the required wax having the required tack and hardness characteristics for this unacceptable wax in a high solids content mascara. That is, nothing in Brieva would have suggested that beeswax was unacceptable in such a mascara or would have suggested which waxes to substitute for it to overcome beeswax's deficiencies. The other waxes in example 2 are similarly unhelpful. Both carnauba wax and candelilla wax have a tack of 0.00 N.s, while "synthetic" wax is so generic as to render no help whatsoever. Brieva is silent concerning which structuring agents to use in a high solids content composition -- accordingly, it cannot teach or suggest such subject matter. It is only through the present application that one skilled in the art can produce a high solids content composition having beneficial cosmetics properties using structuring agents having the required tack and hardness properties.

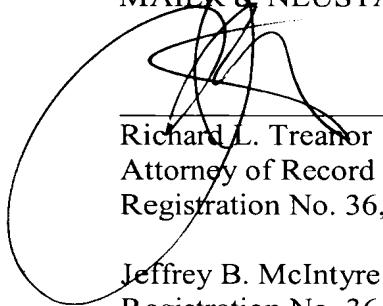
In view of the above, Applicants respectfully request reconsideration and withdrawal of the rejection based on Brieva.

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Response to Office Action dated March 19, 2008

Applicants believe that the present application is in condition for allowance. Prompt and favorable consideration is earnestly solicited.

Respectfully submitted,

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